

**S.R. 306** - By Henderson: Commending Ashford Elementary School in Houston for being selected as the 1989 Outstanding School Volunteer Program for a large school district.

**S.R. 319** - By Krier, Tejeda: Extending congratulations to Robert G. Cole Jr.-Sr. High School Boys Varsity Basketball Team on winning the Class 3A State University Interscholastic League Championship.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:26 p.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(March 23, 1989)

**S.C.R. 93**

Signed by Governor  
(March 23, 1989)

**S.C.R. 93**

#### **THIRTY-FOURTH DAY** (Wednesday, March 29, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Caperton, Montford, Parmer.

A quorum was announced present.

Bishop John Markodsky, Fort Bend County, offered the invocation as follows:

Heavenly Father, we thank You for all the blessings You give us day by day, those that we take for granted. We even thank You for the snow, but we pray for the early recovery of our Lieutenant Governor. God, our Creator, source of our being, we are made with mind and will to Your own image and likeness. You made us to be responsible for our actions. We ask Your blessing on this body of men and women whom we have elected to represent us in the government of our great State of Texas.

Theirs is an arduous task, at a time when it seems that people are much more aware of rights than of responsibilities. Help us all to be ready to bear our share of responsibility as well as to acquire a proper respect for each one's rights.

Theirs is the difficult task of balancing the needs with the available resources, and of devising ways in which our schools can inculcate a sense of responsibility. Theirs is the task of hopefully helping to restore a respect for human life against violence and harmful drugs.

Heavenly Father, grant them wisdom and heart in the exercise of their office, and at the end of their term a sense of satisfaction over a duty well done. Amen.

Language is a marvelous gift, and in Texas we communicate in many languages. English is the most widely used; then Spanish; and third in the amount of use is the Czech language. Permit me to pray in that ancestral language of many thousands of Texans in Fort Bend County, and all across our State.

Všemohoucí, věčný Bože, žehnej těmto našim zvoleným poslancům, jimž jsme svěřili úkol tak důležitý pro dobro občanů našeho státu. Naplň je moudrostí a láskou, aby jejich rokování a rozhodování bylo prospěšné ku tvoji cti a slávě, a k dobru všeho lidu. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVES OF ABSENCE

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Montford was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 164

H.C.R. 166

#### REPORTS OF STANDING COMMITTEES

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 812

C.S.S.B. 55

C.S.S.B. 980

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

S.J.R. 58

S.B. 1399

S.B. 1084

S.B. 908

S.B. 657

S.J.R. 56

S.B. 938

S.B. 722

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1388

S.B. 644

S.B. 1121

S.B. 1122

S.B. 1174

S.B. 1287  
S.B. 914  
S.B. 1186  
C.S.S.B. 960  
C.S.S.B. 689  
C.S.S.B. 1249  
C.S.S.B. 654

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 962  
S.B. 961  
C.S.S.B. 207

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the TEXAS BOARD OF HEALTH: Mrs. Joan Wood Biggerstaff, Collin County; Dr. Robert E. Bonham, Dallas County; Dr. Bennett Lloyd Gill Harber, Kendall County; William D. Poteet III, Lubbock County; Dr. Milton Lee Risinger, Kaufman County.

To be Members of the BOARD OF REGENTS, EAST TEXAS STATE UNIVERSITY: Kerry Noble Cammack, Gregg County; Gaylord T. Hughey, Jr., Smith County; William Davis Norton, Smith County.

To be a Member of the SCHOOL LAND BOARD, Gaylord T. Hughey, Jr., Smith County.

To be a Member of the BOARD OF REGENTS, STEPHEN F. AUSTIN STATE UNIVERSITY: Larry Jay Christopher, Houston County.

To be a Member of the BOARD OF REGENTS, TEXAS TECH UNIVERSITY: James L. "Rocky" Johnson, Dallas County.

To be Members of the BOARD OF DIRECTORS, ANGELINA AND NECHES RIVER AUTHORITY: Joe E. Rich, Sr., Angelina County; Mrs. Joyce Swearingen, Nacogdoches County.

To be Members of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Robert Gerard Boone, Johnson County; Kenneth K. "Kim" Brimer, Jr., Tarrant County; Robert Kelley Pace, Wichita County; James F. Wood, McLennan County.

To be Members of the BOARD OF DIRECTORS, NUECES RIVER AUTHORITY: Eugene L. Ames, Jr., Bexar County; Asa Beach, Jr., Jim Wells County; Dolph Briscoe III, La Salle County; George A. Finley III, Nueces County; Stevan R. Gallegos, Medina County; Joseph E. Gardner, Jr., Nueces County; James Ward Gorman, Bexar County; Jay T. Kimbrough, Bee County; Daniel Shaw Ouellette, Bee County.

To be Members of the BOARD OF DIRECTORS, RED RIVER AUTHORITY: Ben D. Blackburn, Grayson County; David E. Gee, Wichita County; Richard O. Harris, Sr., Potter County; Stephen Hardy Ledwell, Bowie County; William L. Lindemann, Archer County.

To be a Member of the BOARD OF DIRECTORS, RUNNELS COUNTY WATER AUTHORITY: Leon Frerich, Runnels County.

To be Members of the BOARD OF DIRECTORS, SABINE RIVER AUTHORITY: Luther Earl "Red" Davis, Sabine County; Horace Franklin McQueen, Smith County; William Y. Rice, Gregg County.

To be Members of the BOARD OF DIRECTORS, TRINITY RIVER AUTHORITY: Albert C. Barger, Leon County; Donald Franklin Dean, Madison County; T. Walter Erwin III, Ellis County; Roger C. Hunsaker, Tarrant County; John W. Rhea, Jr., Dallas County; James Harrison Sewell, San Jacinto County; Joe Wayne Vanecek, Trinity County.

To be Members of the BOARD OF DIRECTORS, UPPER COLORADO RIVER AUTHORITY: Robert L. Galloway, Coke County; Douglas James Rogers, Tom Green County.

To be Members of the BOARD OF DIRECTORS, UPPER GUADALUPE RIVER AUTHORITY: A. J. Brough, Kerr County; Robert Lynn Finch, Kerr County; John R. "Jack" Furman III, Kerr County; Mrs. Mary Virginia Holekamp, Kerr County.

To be a Member of the BOARD OF DIRECTORS, UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY: J. R. "Jack" Hockridge, Anderson County.

To be Members of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: Mrs. Dee Lynn Aguilar, Tarrant County; Earl P. Broussard, Jr., Travis County; Morris Allen Graves, Fort Bend County; Thomas W. Parker, Brazos County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Daniel W. Adams, Nueces County; Dr. Rodolfo Arredondo, Jr., Lubbock County; Mrs. Nancy Avery Pressler, Harris County.

To be Members of the STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS: James Chien-I Chang, Harris County; Carl Ruchell Hubert, Harris County; Jose "Joe" I. Novoa, Dallas County.

To be Members of the COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION: John E. Clark, Bexar County; Louis Theodore Getterman III, Travis County; Mrs. Maxine Elaine Hannifin, Midland County.

To be Members of the POLYGRAPH EXAMINERS BOARD: J. Glenn Diviney, Tarrant County; William Joseph Taylor, Williamson County.

To be a Member of the TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: Jack Montague, Travis County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS: Ronald Allan Brandon, Bell County; Mrs. Ann Crichton Crews, Dallas County; Dr. Larry Steven Schoenfeld, Bexar County; Dr. John Sell, Dallas County.

To be a Member of the TEXAS REAL ESTATE COMMISSION: John L. Minor, Jr., Harris County.

House Chamber  
March 29, 1989

**BETTY MURRAY, Chief Clerk**  
**House of Representatives**

**S.C.R. 101 by Truan** **Jurisprudence**  
**Granting John G. and Marie Stella Kenedy Memorial Foundation permission to**  
**sue the State of Texas and the General Land Office.**

- S.B. 1588** by Brooks, Krier Health and Human Services  
Relating to an anatomical gift statement on the reverse side of a driver's license.
- S.B. 1589** by Caperton State Affairs  
Relating to the creation of the Fifteenth Court of Appeals District.
- S.B. 1590** by Brooks, Washington Health and Human Services  
Relating to the regulation of the practice of acupuncture; providing penalties.
- S.B. 1591** by Parmer Health and Human Services  
Relating to eligibility for financial assistance and service of families with dependent children.
- S.B. 1592** by Brooks State Affairs  
Relating to definitions of "political subdivision" and "employee" and to the adoption of general workers' compensation laws by political subdivisions.
- S.B. 1593** by Armbrister Health and Human Services  
Relating to the obligation of certain leased municipal hospitals to provide services under the Indigent Health Care and Treatment Act.
- S.B. 1594** by Parmer, Barrientos State Affairs  
Relating to the right of unpaid maternity and parental leave for employees of the State of Texas and providing for enforcement.
- S.B. 1595** by Brooks Health and Human Services  
Relating to the prohibition of operating an unregistered family home and the advertising of unregistered family homes; providing penalties for violations.
- S.B. 1596** by Glasgow Finance  
Relating to the compensation of presiding judges of administrative judicial regions.
- S.B. 1597** by Glasgow State Affairs  
Relating to the abolition of the State Ethics Advisory Commission.
- S.B. 1598** by Glasgow Jurisprudence  
Relating to venue for actions against certain insurance companies.
- S.B. 1599** by Glasgow Jurisprudence  
Relating to the terms of court of the 16th District Court.
- S.B. 1600** by Montford Criminal Justice  
Relating to the establishment of drug-free school zones and to the imposition of penalties for distributing, manufacturing, or possessing with intent to distribute controlled substances in drug-free school zones or on school busses.

#### CO-AUTHOR OF SENATE BILL 863

On motion of Senator Truan and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 863**.

#### SENATE CONCURRENT RESOLUTION 99

Senator Parker offered the following resolution:

WHEREAS, Texas is the home of many musical styles including big band, jazz, country, blues, dixieland, bebop, and Mexican folk; and

WHEREAS, In the 1930s, an improvisational mix of those same musical styles brought forth a new and exciting form of indigenous music, Western Swing, that has made a great impact in its home state, the nation, and the world; and

WHEREAS, Known also in its early days as hillbilly jazz, country jazz, Texas swing, or southwestern swing, Western Swing was a music characterized by experimentation and bound by no limits in style or direction; and

WHEREAS, Because of Western Swing, Texas dancehalls would never be the same, toe tapping would have a new meaning, and even some politicians would experience a new campaign style; and

WHEREAS, The birthplace of Western Swing, Texas is also the home of such Western Swing icons as Bob Wills, Milton Brown, Hank Thompson, The Light Crust Doughboys, Cliff Bruner, J. R. Chatwell, Adolph Hofner, Laura Lee McBride, and many others; and

WHEREAS, Texas is the home of the Texas Western Swing Hall of Fame and the annual Texas Western Swing Jamboree held in April; and

WHEREAS, All proud Texans claim Western Swing Music as native music of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby proclaim April, 1989, as Western Swing Month in Texas.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

#### GUESTS PRESENTED

Senator Parker, at the invitation of the President, escorted Al Dressen and "The Texas Swing Review" band to the President's Rostrum.

The President presented these guests with copies of Senate Concurrent Resolution 99.

#### SENATE RESOLUTION 300

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the citizens of Fort Bend County in celebration of Fort Bend County Day at the State Capitol on Wednesday, March 29, 1989; and WHEREAS, Fort Bend County plays a leading role in the history of Texas; the county was the site of Stephen F. Austin's first colony of settlers, the Old Three Hundred, who established homes along the Brazos River; and WHEREAS, The citizens of Fort Bend County represent a cross-section of cultures and ethnic groups, including a large Czech population, and the annual Czechfest is a popular tradition which brings thousands of visitors to the county; and WHEREAS, The George Ranch is becoming the Gulf Coast region's newest tourist attraction, a living history park on 477 acres that were part of an 1829 Mexican land grant, representing ranch life from the early 1800s to today; and

WHEREAS, Although now the second fastest growing county in the United States, and located right next to the country's fourth-largest metropolitan area, Fort Bend County retains a rural charm and offers an excellent quality of life with the conveniences of a major city close by; and

WHEREAS, A strong, diverse economy gives Fort Bend residents a high standard of living, and an award-winning school system ensures that the county will continue to reap economic prosperity in the years to come with an educated, visionary citizenry; and

WHEREAS, Fort Bend County is an increasingly popular vacation spot, with excellent hunting, fishing, and other tourist attractions, and with warm, friendly people who make visitors feel welcome; and

WHEREAS, The contributions of the citizens of Fort Bend County to the State of Texas are most worthy of legislative recognition and praise; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby declare March 29, 1989, Fort Bend County Day, and extend best wishes to the citizens of this fine county as they celebrate in the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Fort Bend County as a memento of this grand occasion.

The resolution was read and was adopted viva voce vote.

**GUESTS PRESENTED**

Senator Brown, joined by Senators Armbrister and Washington, introduced a delegation of citizens from Fort Bend County, seated in the Gallery, and accompanied Fort Bend County officials to the President's Rostrum.

The President presented them with enrolled copies of Senate Resolution 300.

**GUEST PRESENTED**

Senator Brooks introduced Carl Tubbesing, Director of the Washington Office of the National Conference of State Legislatures.

The Senate welcomed this distinguished guest.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
March 29, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE HIGHWAY AND PUBLIC  
TRANSPORTATION COMMISSION, FOR A TERM TO EXPIRE  
FEBRUARY 15, 1995:

WAYNE B. DUDDLESTEN  
3005 Del Monte  
Houston, Texas 77019

Mr. Duddleston will be replacing John R. Butler, Jr., of Houston, whose term expired.

TO BE MEMBERS OF THE STATE BOARD OF INSURANCE, FOR A  
TERM TO EXPIRE JANUARY 31, 1993:

RICHARD F. REYNOLDS  
3011 Sagebrush  
Flower Mound, Texas 75028

Mr. Reynolds will be filling the unexpired term of Edwin J. (Jack) Smith, Jr., of Dallas, who resigned.

FOR A TERM TO EXPIRE JANUARY 31, 1995:

THOMAS B. McDADE  
5276 Cedar Creek  
Houston, Texas 77056

Mr. McDade will be replacing James L. Nelson of Austin, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
March 27, 1989

**TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation providing an appropriation of \$84,889 to the Texas Board of Dental Examiners to improve enforcement of the Dental Practices Act.

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter appropriations not to exceed \$165,510 for repairs relating to transformer PCB leakage at Tarleton State University.

Sincerely,  
/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

**GUEST PRESENTED**

Senator Armbrister was recognized and presented Dr. Harold High of Cuero.

Dr. High, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**COMMITTEE SUBSTITUTE  
SENATE BILL 328 ON THIRD READING**

Senator Tejeda moved that the regular order of business be suspended and that C.S.S.B. 328 be placed on its third reading and final passage.

C.S.S.B. 328, Relating to the imposition of an optional county motor vehicle registration fee.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Barrientos, Bivins, Carriker, Dickson, Edwards, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Brooks, Brown, Glasgow, Green, Haley, Henderson, Washington.

Absent: Parker.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 9.

Yeas: Barrientos, Bivins, Carriker, Dickson, Edwards, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Ratliff, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Brooks, Brown, Glasgow, Green, Haley, Henderson, Sims, Washington.

Absent: Parker.

Absent-excused: Caperton, Montford, Parmer.

**COMMITTEE SUBSTITUTE  
SENATE BILL 390 ON THIRD READING**

Senator Lyon moved that the regular order of business be suspended and that C.S.S.B. 390 be placed on its third reading and final passage.

C.S.S.B. 390, Relating to complaints about and disciplinary measures taken against certain law enforcement officers or fire fighters.

The motion prevailed by the following vote: Yeas 18, Nays 7.

Yeas: Barrientos, Brooks, Dickson, Edwards, Glasgow, Green, Harris, Johnson, Krier, Lyon, McFarland, Parker, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Henderson, Ratliff, Sims.

Absent: Carriker, Leedom, Santiesteban.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Bivins, Brown, Haley, Henderson, Ratliff and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 505 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 505, Relating to the continuation and functions of the office of Multistate Tax Compact Commissioner for Texas.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 505 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 505 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 508 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 508**, Relating to the continuation, composition, powers, and duties of the Texas Surplus Property Agency and the disposition of surplus and salvage property.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 508 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 508** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 189 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 189**, Relating to the operation of certain metropolitan rapid transit authorities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 189 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 306 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 306**, Relating to brackets establishing ranges of cash advances or balances to which certain rates of charges apply in Article 3.15, Title 79, Revised Statutes (Article 5069-3.15, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 18, Nays 9.

Yeas: Bivins, Brooks, Brown, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Parker, Ratliff, Santiesteban, Sims, Tejeda, Uribe, Washington, Whitmire.

Nays: Armbrister, Barrientos, Carriker, Dickson, Edwards, Green, Lyon, Truan, Zaffirini.

Absent: Glasgow.

Absent-excused: Caperton, Montford, Parmer.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 10.

Yeas: Bivins, Brooks, Brown, Haley, Harris, Henderson, Krier, Leedom, McFarland, Parker, Ratliff, Santiesteban, Sims, Tejada, Washington, Whitmire.

Nays: Armbrister, Barrientos, Carriker, Dickson, Edwards, Green, Johnson, Truan, Uribe, Zaffirini.

Absent: Glasgow, Lyon.

Absent-excused: Caperton, Montford, Parmer.

#### **SENATE BILL 202 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 202**, Relating to the creation of a special advisory committee to the Industrial Accident Board concerning occupational therapy and to the membership of that board's health care advisory committee.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 202 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 202** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Montford, Parmer.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 892 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 892**, Relating to the establishment of a committee for the purpose of funding, designing, and constructing a memorial for peace officers on the grounds of the Capitol Complex.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 892 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 892 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Montford, Parmer.

**COMMITTEE SUBSTITUTE  
SENATE BILL 107 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 107**, Relating to the practice of lay midwifery; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 107 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 107 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 77 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 77**, Relating to proprietary schools; providing a civil penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 77 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

#### **SENATE BILL 405 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 405**, Relating to the assignment of a pregnant student to a special education class.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 405 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 405** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Montford, Parmer.

#### **SENATE BILL 424 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 424**, Relating to the possession of paging devices by public school students.

The bill was read second time and was passed to engrossment viva voce vote.

#### **RECORD OF VOTE**

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 424 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 424** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Carriker, Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

#### **SENATE BILL 146 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 146.** Relating to attested copies of instruments recorded in a county clerk's office.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 146 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 542 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 542.** Relating to the procedure for the sale or lease of state land.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend C.S.S.B. 542 in SECTION 1 by striking Paragraph (6) of Subsection (c), Section 31.158, Natural Resources Code and inserting in lieu thereof the following:

“(6) If, after proper notice has been posted, no bids meeting the minimum requirements are received at the appointed time and place for the sale or lease, the division may solicit proposals and negotiate the sale, exchange, or lease of the real property to any person, provided that the sales price may not be less than the appraised value of the land. The governor must approve the sale or lease of any real property under this section through a negotiated transaction. Failure of the governor to approve the sale or lease constitutes a veto of the transaction.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 542 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 542 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 431 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 431**, Relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear the officer's state-issued uniform while providing law enforcement services for compensation for entities other than the department.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 431 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 431** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTE**

Senator Washington asked to be recorded as voting "Nay" on the final passage of the bill.

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 271 ON THIRD READING**

Senator Uribe moved that the regular order of business be suspended and that C.S.S.B. 271 be placed on its third reading and final passage.

**C.S.S.B. 271**, Relating to membership or privileges on a hospital medical staff.

The motion was lost by the following vote: Yeas 13, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Bivins, Brooks, Dickson, Edwards, Haley, McFarland, Parker, Santiesteban, Sims, Truan, Uribe, Washington, Zaffirini.

Nays: Armbrister, Brown, Carriker, Green, Henderson, Johnson, Krier, Leedom, Lyon, Ratliff, Tejada, Whitmire.

Absent: Barrientos, Glasgow, Harris.

Absent-excused: Caperton, Montford, Parmer.

#### **SENATE BILL 837 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 837**, Relating to the membership of the Texas Board of Health.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 837 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 837** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Montford, Parmer.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 506 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 506**, Relating to the continuation, powers, and duties of the Interagency Council for Genetic Services.

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 506 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 506** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

#### **SENATE BILL 176 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 176**, Relating to the prosecution of an appeal or writ of error in a civil case by certain indigent persons.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 826 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 826**, Relating to the appointment of a friend of the court to assist the court in the monitoring and enforcement of orders for child support and possession of and access to a child.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 826 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 826** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 33 ON SECOND READING**

Senator Sims asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 33**, Relating to eminent domain proceedings.

There was objection.

Senator Sims then moved to suspend the regular order of business and take up **C.S.S.B. 33** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Barrientos, Brown, Carriker, Dickson, Edwards, Haley, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brooks, Green, Henderson, Parker.

Absent: Glasgow.

Absent-excused: Caperton, Montford, Parmer.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 6. (Same as previous roll call)

**NOTICE OF SESSION TO HOLD**

**LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills

Calendar would be held at 8:30 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

#### MEMORIAL RESOLUTIONS

S.R. 325 - By Glasgow: In memory of Norman D. Porter of Mineral Wells.

S.R. 326 - By Glasgow: In memory of Billy Ray Pilgrim of Mineral Wells.

S.R. 327 - By Glasgow: In memory of Luther Ray Pack of Stephenville.

S.R. 328 - By Glasgow: In memory of Margie Helm Stafford Hollis of Corinth.

S.R. 329 - By Glasgow: In memory of Vinita Copeland of Fort Worth.

S.R. 330 - By Glasgow: In memory of Mack Bogard of Lewisville.

S.R. 331 - By Glasgow: In memory of Dr. Austin E. Hutcheson of Lewisville.

#### CONGRATULATORY RESOLUTIONS

H.C.R. 180 - (Brown): Declaring April 2-8, 1989, "Metallurgy Week" in Texas.

H.C.R. 181 - (Parker): Designating April as Texas Swing Month.

S.R. 320 - By Ratliff: Extending congratulations to Coach Charles Martin and the Clarksville High School Tigers on winning the UIL District 14-3A and Region II-3A championships.

S.R. 321 - By Johnson: Extending congratulations to Dr. C. B. T. Smith for his 36 years of service and on being selected Man of the Year.

S.R. 322 - By Barrientos: Extending congratulations to Dr. David M. Austin for his contributions to the State and its people.

S.R. 324 - By Henderson: Extending congratulations to Lorin Theiss on attaining the Gold Medal of Achievement.

S.R. 332 - By Bivins: Recognizing Doug Dodson and Chris Ortega for each serving half the year as president of the Student Association and of T.J.C.S.G.A., and April Sessler as sponsor of the Amarillo College Student Association.

S.R. 334 - By Brooks, Brown, Green, Henderson, Parker, Washington, Whitmire: Extending congratulations to Angie and Warren Schlieff on their 50th wedding anniversary.

#### RECESS

On motion of Senator Brooks, the Senate at 12:27 p.m. took recess until 8:30 a.m. tomorrow.

#### THIRTY-FOURTH DAY

(Continued)

(Thursday, March 30, 1989)

#### AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Sims.